

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JIMMIE W. DAVIS, individually and
as TRUSTEE of the JIMMIE W. DAVIS
REVOCABLE TRUST,

Plaintiff,

v.

CV 10-00883 JEC/WPL

ST. ANSELM EXPLORATION CO. et al.,

Defendants.

ORDER DENYING MOTION TO COMPEL

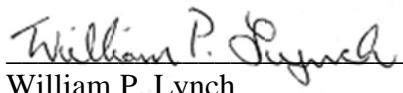
This matter is before me on an untimely motion to compel filed by Defendants. Plaintiff has yet to file a response brief, but I will rule on this matter now to save him the cost and expense of responding to the motion.

On June 29, 2012, I granted in part and denied in part Defendants' motion to compel, and I ordered Plaintiff to produce a wide range of discovery within thirty to forty-five days from the entry of the order. (Doc. 132.) There was a motion for summary judgment pending before the Court at that time (Doc. 23; Doc. 92), so I permitted the parties to file supplemental briefs containing the compelled discovery and relevant arguments (Doc. 132). As of October 5, 2012, all supplemental briefing on this matter was complete. (Doc. 150.)

On November 27, 2012, almost two months after the supplemental briefing for the motion for summary judgment was complete, three and a half months after Plaintiff's deadline to produce supplemental discovery, and approximately fourteen months after the discovery motion deadline, Defendants moved for an order to compel the production of discovery that I had

ordered in June and for sanctions. (Doc. 155.) I am baffled at this request; to say that this motion is untimely is an understatement. Moreover, this motion would undoubtedly delay any resolution in this already overly drawn-out case. I deny Defendants' motion.

IT IS SO ORDERED.


William P. Lynch
United States Magistrate Judge

A true copy of this order was served
on the date of entry--via mail or electronic
means--to counsel of record and any *pro se*
party as they are shown on the Court's docket.